

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

CISPER DA AMAZONIA, S.A.,

Plaintiff

v.

OWENS-ILLINOIS DE PUERTO RICO,
LLC,

Defendant

CIVIL NO. 09-1041 (JAF)

REVALIDATION/DOMESTICATION
(EXEQUATUR) OF DELAWARE
JUDGMENT FOR COLLECTION OF MONEY

MOTION FOR DEFAULT JUDGMENT

TO THE HONORABLE COURT:

COMES NOW Plaintiff Cisper Da Amazonia, S.A. ("CASA"), by its counsel, and respectfully alleges that:

1. On January 14, 2009, CASA filed a Complaint requesting judgment in exequatur in the amount of \$604,625.57 against Owens-Illinois de Puerto Rico, LLC ("OIPR-LLC"), giving full faith and credit to a judgment entered by the Superior Court of the State of Delaware, New Castle County, under case # 07C-08-218J/Q-24-263 on May 21, 2008 (the "Delaware Judgment"), against OWENS-ILLINOIS DE PUERTO RICO, LLC ("OIPR-LLC"); and authorizing execution of judgment against OIPR-LLC and property of OIPR-LLC that may be found in Puerto Rico. See, Docket No. 1.

2. On January 22, 2009, the defendant herein, OIPR-LLC, was served a true copy of the Summons and Complaint. See, Docket No. 4.

3. On March 25, 2009, CASA filed Motion for Default Entry ("Motion") since the time for OIPR-LLC to answer or otherwise

move in response to the Complaint, expired not later than February 11, 2009. See, Docket No. 6.

4. In the same Motion, CASA demonstrated that in addition to service of process, CASA gave supplemental notice to OIPR-LLC, and thus further opportunity to be heard, which elicited no response.

5. On March 26, 2009, the Court granted the Motion and entered the default of OIPR-LLC. See, Docket No. 7.

6. As shown by the March 25, 2009 Declaration of Sarah E. DiLuzio (counsel for CASA in the case in which the Delaware Judgment was entered), hereto annexed as Exhibit 1, upon the Delaware Judgment CASA has received no payment, nor has CASA realized any execution proceeds.

WHEREFORE, Cisper Da Amazonia, S.A. requests judgment in exequatur substantially in the form annexed as Exhibit 2, for \$604,625.57 (\$512,729.00 principal, pre-judgment Delaware interest of \$91,843.24, Delaware court costs of \$53.33) against OIPR-LLC, giving full faith and credit to the Delaware Judgment, and authorizing execution of judgment against OIPR-LLC and property of OIPR-LLC that may be found in Puerto Rico, in an amount sufficient to satisfy the Delaware Judgment in CASA's favor; and for such other relief as may be just.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 26^h day of March, 2009.

O'NEILL & BORGES

Counsel for Cisper Da Amazonia, S.A.
250 Muñoz Rivera Avenue, Suite 800
San Juan, PR 00918-1813
Tel. (787) 764-8181
Fax. (787) 753-8944

By: s/ David P. Freedman

David P. Freedman

USDC No. 119510

Email: David.Freedman@oneillborges.com

By: s/ Ubaldo M. Fernández

Ubaldo M. Fernández

USDC No. 224807

Email: Ubaldo.Fernández@oneillborges.com

EXHIBIT 1

DECLARATION OF SARAH E. DILUZIO

Sarah E. DiLuzio, respectfully declares:

1. I am one of the Delaware counsel for CISPER DA AMAZONIA, S.A. ("CASA"), a judgment creditor of OIPR-LLC by virtue of a judgment entered by the Superior Court of the State of Delaware, New Castle County, under case # 07C-08-218J/Q-24-263 on May 21, 2008, against OWENS-ILLINOIS DE PUERTO RICO, LLC ("OIPR-LLC").

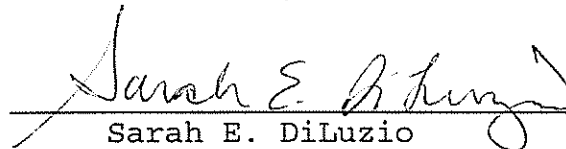
2. The judgment in case no. 07C-08-218J/Q-24-263 has not been satisfied and remains open.

3. To date, CASA has received no payment upon that judgment, nor has CASA realized any execution proceeds.

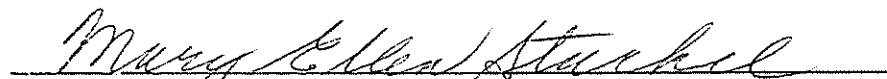
4. I supply this declaration at the request of Puerto Rico counsel for CASA, in connection with exequatur proceedings in Puerto Rico upon the same judgment.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Wilmington, Delaware on March 25, 2009.


Sarah E. DiLuzio

SWORN TO AND SUBSCRIBED
before me this 25th day of March, 2009.


Notary Public

My Commission Expires:

MARY ELLEN STACKEL
NOTARY PUBLIC
STATE OF DELAWARE
My commission expires April 9, 2012

EXHIBIT 2

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

CISPER DA AMAZONIA, S.A.,

Plaintiff

v.

OWENS-ILLINOIS DE PUERTO RICO,
LLC,

Defendant

CIVIL NO. 09-1041 (JAF)

REVALIDATION/DOMESTICATION
(EXEQUATUR) OF DELAWARE
JUDGMENT FOR COLLECTION OF MONEY

DEFAULT JUDGMENT

Upon plaintiff's motion for judgment, and it appearing from the return of process server filed in this case (Dkt. No. 4) that defendant Owens-Illinois de Puerto Rico, LLC was served with a copy of the complaint and summons, and it appearing further that default was entered by the Clerk of this Court against said defendant, for its failure to plead or file an answer to the complaint, or otherwise appear in this case, against which defendant the plaintiff CISPER DA AMAZONIA S.A. is entitled to a judgment by default, the Court hereby ORDERS that plaintiff's motion for judgment by default be and it is hereby granted, plaintiff CISPER DA AMAZONIA S.A. to recover from defendant OWENS-ILLINOIS DE PUERTO RICO, LLC the sum of \$604,625.57 (\$512,729.00 principal, pre-judgment Delaware interest of \$91,843.24, Delaware court costs of \$53.33) plus federal judgment interest from date hereof until final payment, and costs of this exequatur proceeding, and that plaintiff have execution from this Court therefor.

SO ORDERED.

San Juan, Puerto Rico, this day of , 2009.

UNITED STATES DISTRICT JUDGE

(OR CLERK OF THE COURT)